

BRENNEKE DECLARATION

EXHIBIT B

From: Shannon.Armstrong@hklaw.com
To: [Chien, Marsha \(ATG\)](#)
Cc: [Polozola, Lane \(ATG\)](#); [Baker, La Rond \(ATG\)](#); [Brenneke, Andrea \(ATG\)](#); Matt.Donohue@hklaw.com; whitehead@sgb-law.com; Kristin.Asai@hklaw.com; devin@sunbird.law; andrew@immigrantcivilrights.com; anne.rose@ice.dhs.gov; Kristin.B.Johnson@usdoj.gov
Subject: RE: Washington v. NWDC - Missing Docs
Date: Monday, June 10, 2019 7:42:49 AM
Attachments: [2019-06-06 Ltr to DHS re ICE Subpoena.pdf](#)

Marsha— I've attached a courtesy copy of the letter we sent to DHS in relation to Mr. Bostock's deposition.

GEO has complied with its discovery obligations. As set forth in its objections to RFP No. 12, GEO objected to producing all communications with ICE as overly broad, unduly burdensome, and not proportional to the needs of the case, among other things. GEO explained that it would produce non-privileged communications with ICE concerning the Voluntary Work Program "as they relate to detainee participation and compensation at the Northwest Detention Center within the relevant time period." GEO also notified the State that it was withholding documents based on that objection in February 2018. The State did not move to compel a further response prior to the Court's deadline for discovery motions.

In addition, as the State is aware, documents that may be responsive to the State's RFPs are still in ICE's possession. GEO will produce any responsive, non-privileged documents it receives from ICE as soon as ICE notifies GEO that it can produce those documents.

Finally, your emails indicate that the State recently received documents from ICE in response to the State's FOIA request. It is unclear why these documents were not produced to GEO. We expect that the State will produce the remainder of the documents it received from ICE in accordance with its discovery obligations, including GEO's RFPs No. 8 and 81, no later than Friday, June 14.

Please let me know if you have any questions.

Regards,
Shannon

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Partner

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From: Chien, Marsha (ATG)
Sent: Friday, June 07, 2019 3:58 PM
To: Armstrong, Shannon (POR - X52924)
Cc: Polozola, Lane (ATG) ; Baker, La Rond (ATG) ; Brenneke, Andrea (ATG) ; Donohue, J. Matthew (POR - X52913) ; Whitehead, Jamal ; Asai, Kristin (POR - X52948) ; Devin Theriot-Orr ; Andrew Free (andrew@immigrantcivilrights.com) ; anne.rose@ice.dhs.gov; Kristin.B.Johnson@usdoj.gov
Subject: RE: Washington v. NWDC - Missing Docs
[External email]

Shannon,

We received GEO's dep notice for Mr. Drew Bostock.

Presumably, GEO complied with its *Touhy* obligations in noting the deposition of an ICE official. Given that, we write to request that GEO comply with its discovery obligations, *see* RFP No. 12, and produce all communications between GEO and ICE regarding the VWP in advance of the Bostock

deposition.

At a minimum, we expect GEO to provide the documents identified below and its *Touhy* communications regarding Bostock by Friday, June 14th. If you, or Anne or Kristin, who I've cc'd here, have any concerns regarding this expectation, please let us know.

Marsha

Marsha Chien

Assistant Attorney General

Washington Attorney General's Office - Civil Rights Division

800 Fifth Avenue, Suite 2000

Seattle, Washington 98104

(206) 389-3886

From: Chien, Marsha (ATG)

Sent: Wednesday, June 05, 2019 8:59 AM

To: 'shannon.armstrong@hklaw.com' <shannon.armstrong@hklaw.com>

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<devin@sunbird.law>; Andrew Free (andrew@immigrantcivilrights.com)

<andrew@immigrantcivilrights.com>

Subject: Washington v. NWDC - Missing Docs

Shannon,

I am writing to express concern that GEO's response to the State's discovery requests is not complete. We recently received the attached document, which appears to be part of GEO's request to ICE for an equitable adjustment. It was obtained from ICE in response to a FOIA request.

The document is squarely responsive to RFP No. 12, which requested all communications about the VWP with ICE. As such, we request that GEO provide the complete, unredacted document as well as any related communications with ICE. If any privileges apply, please specify them.

Kind Regards,

Marsha

<< File: Scan-06042019032108.pdf >>

Marsha Chien

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